

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. 04-10620 MLW

ANTHONY SENA)
Plaintiff,)
)
V.)
)
METROPOLITAN LIFE)
INSURANCE COMPANY)
Defendant.)

JOINT STATEMENT

Pursuant to the Court's February 3, 2005, Notice of Scheduling Conference and Local Rule 16.1, the parties submit the following joint statement.

I. Joint Discovery Plan

It is the parties' position that automatic disclosures are not required in this case, because this case is in the nature of "an action for review on an administrative record," which is exempt from initial disclosure requirements. See Fed. R. Civ. P. 26(a)(1)(E)(i). On or before March 14, 2005, Metropolitan Life Insurance Company will produce to the plaintiff a copy of its claim file and the applicable plan document. Each party shall also have the right to serve on the other party on or before April 15, 2005, a request for production of documents, the responses to which will conform to Fed.R.Civ.P. 34. If any

party seeks additional discovery, it must file a motion for such on or before May 31, 2005.

II. Proposed Motion Schedule

The parties propose to file cross-motions for summary judgment. The plaintiff will file his summary judgment motion on or before June 30, 2005. The defendant will file its opposition to the plaintiff's motion and its own cross-motion or before July 29, 2005. Plaintiff will respond to defendant's cross-motion on or before August 15, 2005. If it appears that any motion for discovery will remain undecided as of June 30, 2005, either party may move for an appropriate adjustment to this schedule for filing motions.

III. Additional Matters

1. The required certifications per LR 16.1(D)(3) will be filed under separate cover.

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By its attorneys,

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Dated: February 16, 2005

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